

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO: 7:10-CR-0093-BR

UNITED STATES OF AMERICA

v.

CHARLETTE D. JOHNSON

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ORDER

This matter is before the court on defendant's *pro se* motion for release of grand jury transcripts or to dismiss her convictions and sentence. (DE # 264.)

In 2011, defendant pled guilty to a number of charges. After several rounds of appeal and an unsuccessful motion for habeas corpus relief, defendant filed the instant motion. Relying on Jencks v. United States, 353 U.S. 657 (1957), and the Jencks Act, 18 U.S.C. § 3500, defendant contends that she is entitled to grand jury transcripts dated 26 August and 24 November 2010 or, if the transcripts are not released to her, her convictions and sentence must be dismissed. Because defendant pled guilty to the criminal charges, rather than proceeded to trial, she was not (and is not) entitled to any grand jury transcripts under Jencks or § 3500. See United States v. Jonassen, 759 F.3d 653, 663 (7th Cir. 2014) (“[A] request for Jencks Act material must be made before or during trial; the Act provides no posttrial procedure or remedy.” (footnote omitted)); United States v. Abdul-Malik, 903 F. Supp. 550, 552-53 (S.D.N.Y. 1995) (denying defendant's motion for disclosure of grand jury materials pursuant to § 3500 to facilitate appeal because defendant has pled guilty and therefore has no rights under § 3500 and waived all challenges to his prosecution except those related to jurisdiction). There being no requirement to release the transcripts, dismissal of defendant's convictions and sentence is not warranted.

Defendant's motion is DENIED.

This 6 November 2015.



W. Earl Britt
Senior U.S. District Judge